


THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

6 JUN -7 P4:25

SENATE

RECEIVED BY: 

S. No. 2301

INTRODUCED BY HON. MANNY VILLAR

EXPLANATORY NOTE

Under Article 344 of the Revised Penal Code, as amended, the marriage of the offender with the offended party shall extinguish the criminal action for rape or remit the penalty already imposed upon him, to wit:

*'ART. 344. Prosecution of the crimes of adultery, concubinage, seduction, abduction, **rape** and acts of lasciviousness. – xxx.*

xxx	xxx	xxx
xxx	xxx	xxx

In cases of seduction, abduction, acts of lasciviousness and rape, the marriage of the offender with the offended party shall extinguish the criminal action or remit the penalty already imposed upon him. The provisions of this paragraph shall also be applicable to the co-principals, accomplices and accessories after the fact of the above-mentioned crimes. "

The marriage by the offender with the rape victim should cease to be a legal sanctuary for rapists. This exculpatory marriage is against the rationale underlying all penalties – retribution and deterrence of crimes. The penalty on rape is intended to punish the offense against public morality and the transgression of the honor and dignity of the rape victim as well as her/his family.

Moreover, such marriage does not uphold the inviolability of marriage as a social institution enshrined in the Family Code (Executive Order 209, as amended). Such marriage should be deemed as a null and void marriage on the ground of lack of consent or vitiated consent.

Obviously, the rapist is compelled to marry the victim to escape criminal liability (Art. 344). On the other hand, the rape victim agrees to the marriage to save her family and herself from sorrow, disgrace, trauma and humiliation.

This bill seeks to strengthen the penal provisions on rape by depriving the rapist of invoking the marriage with the victim as a legal shelter for escaping criminal prosecution for his evil deed. This is in conformity with the penal principle that one's criminal liability is

determined at the time the criminal act or omission is committed and not subsequently. Such marriage does not promote public order and morality and is not productive of marital relations. Moreover, this bill precludes the rapist from profiting from his misplaced gamble that his marriage with his victim will eventually spare him from any criminal liability that he would have otherwise incurred for the detestable crime of rape.

Accordingly, the urgent passage of this bill is hereby recommended.



MANNY VILLAR

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**AN ACT STRENGTHENING FURTHER THE PENAL
PROVISION ON RAPE BY DISAUTHORIZING MARRIAGE
BY THE OFFENDER WITH THE RAPE VICTIM AS A
LEGAL GROUND FOR ESCAPING CRIMINAL
LIABILITY THEREFOR AMENDING FOR THIS PURPOSE
ARTICLE 344 OF THE REVISED PENAL CODE, AS AMENDED**

*Be^{it} enacted by the Senate and House of Representatives of the
Philippines in congress assembled:*

Section 1. Article 344 of Act No. 3815, as amended, otherwise known as the "Revised Penal Code" is hereby further amended to read as follows:

"ART. 344. Prosecution of the crimes of adultery, concubinage, seduction, rape and acts of lasciviousness. — The crimes of adultery and concubinage shall not be prosecuted except upon a complaint filed by the offended spouse.

The offended party cannot institute criminal prosecution without including both the guilty parties, if they are both alive, nor, in any case, if he shall have consented or pardoned the offenders.

The offenses of seduction, abduction, rape or acts of lasciviousness, shall not be prosecuted except upon a complaint filed by the offended party or her parents, grandparents, or guardian, nor, in any case, if the offender has been expressly pardoned by the above named persons, as the case may be.

In cases of seduction, abduction [,] AND acts of lasciviousness, [and rape'] the marriage of the offender with the offended party shall extinguish the criminal action or remit the penalty already imposed upon him. The provisions this paragraph shall also be applicable to the co-principals, accomplices and accessories after the fact of the above-mentioned crimes.

Section 2. Any law, decree, order, rule or regulation or part thereof which is inconsistent with this Act is hereby repealed or modified accordingly.

Section 3. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,